



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024**

DATE **05 March 2024**

BY **Lesley Griffiths MS, Minister for Rural Affairs and North Wales and Trefnydd**

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Rebecca Pow MP, on behalf of Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs, and subsequently Lord Douglas-Miller, Minister for Biosecurity, Animal Health and Welfare, at the Department for Environment, Food and Rural Affairs (DEFRA) to make a Statutory Instrument (SI) titled the Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024.

The above titled SI will be made by the Secretary of State, in exercise of the powers conferred under Regulation (EU) 2017/625.

The Regulations expand SI 2022/739. They will also amend Annex 6 of the Official Control Regulation to ensure the 'appropriate frequency rate' for medium risk goods from the EU, Liechtenstein and Switzerland is established by Article 53.

The SI was laid before the UK Parliament on 4 March 2024. The Regulations will come into force on 30 April 2024.

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence

Members will wish to note that the Regulations do not transfer any functions to the Secretary of State.

The purpose of the amendments

I have consented to specific provisions within Part 3 of the Regulations only. The Welsh Government has laid the other provisions of the Regulations as Wales-only through the Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2024.

On 30 April 2024, under the Borders Target Operating Model, imports of medium risk plants and plant products from the EU, Liechtenstein and Switzerland will become subject to risk-based import checks at Border Control Points. Additionally, the frequency of documentary checks for these goods will also be reduced so they are aligned to the frequency of ID and Physical checks. As per the Borders Target Operating Model, these changes will not be introduced at “relevant ports” on the West Coast, including Fishguard, Holyhead and Pembroke, until 31 October at the earliest.

The Regulations expand SI 2022/739 to include the medium risk goods from the EU, Liechtenstein and Switzerland within its framework for determining the frequency of physical and ID checks. They will amend Annex 6 of the Official Control Regulation to ensure the ‘appropriate frequency rate’ for medium risk goods from the EU, Liechtenstein and Switzerland is established by Article 53.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

[The Plant Health \(Fees\) \(England\) and Official Controls \(Frequency of Checks\) \(Amendment\) Regulations 2024 \(legislation.gov.uk\)](#)

Why consent has been given

Consent has been given for the UK Government to make this instrument in relation to, and on behalf of, Wales as the SI relates to a devolved area, however, the SI operates GB-wide and has effect on the restrictions regarding the importation of plants and plant products into GB. Introducing separate regulations in Wales and England may cause additional burden on the Animal and Plant Health Agency (APHA), business, traders and growers. Regulating on a GB-wide basis ensures a coherent and consistent statute book with the regulations being accessible in a single instrument with no risk of legislative divergence in GB.